

PUBLIC WORKS COMMITTEE

DATE: March 13, 2008

CALLED TO ORDER: 5:30 p.m.

ADJOURNED: 6:29 p.m.

ATTENDANCE

ATTENDING MEMBERS

Benjamin Hunter, Chairman
Ginny Cain
Dane Mahern
Janice McHenry
Mary Moriarty Adams
Cherrish Pryor
Christine Scales
Mike Speedy

ABSENT MEMBERS

Angela Mansfield

AGENDA

PROPOSAL NO. 94, 2008- appoints Dennis Rosebrough to the Board of Public Works
"Do Pass" Vote 8-0

PROPOSAL NO. 95, 2008- establishes that the City-County Council is interested in making the purchase of specified land owned by Indianapolis Art Center which is necessary for the construction of a flood damage reduction project
"Do Pass" Vote 8-0

PROPOSAL NO. 96, 2008- establishes that the City-County Council is interested in making the purchase of specified land owned by Birch Tree, LLC which is necessary for the construction of a flood damage reduction project
"Do Pass" Vote 8-0

PROPOSAL NO. 97, 2008- establishes that the City-County Council is interested in making the purchase of specified land owned by The Riviera Club, Inc. which is necessary for the construction of a sanitary sewer project
"Do Pass" Vote 8-0

PROPOSAL NO. 98, 2008- establishes that the City-County Council is interested in making the purchase of specified land owned by Edgewater Apartments Partnership which is necessary for the construction of a flood damage reduction project

“Do Pass”

Vote 8-0

PROPOSAL NO. 99, 2008- establishes that the City-County Council is interested in making the purchase of specified land owned by Optimist Club of North Side Indianapolis which is necessary for the construction of a flood damage reduction project

“Do Pass”

Vote 8-0

PUBLIC WORKS COMMITTEE

The Public Works Committee of the City-County Council met on Thursday, March 13, 2008. Chair Benjamin Hunter called the meeting to order at 5:30 p.m. with the following members present: Ginny Cain, Dane Mahern, Janice McHenry, Mary Moriarty Adams, Christine Scales, and Mike Speedy. Cherrish Pryor arrived shortly thereafter. Angela Mansfield was absent.

Chair Hunter said they would be going out of order, and asked for consent to group Proposal Nos. 95-99, 2008 together. Consent was granted.

PROPOSAL NO. 95, 2008- establishes that the City-County Council is interested in making the purchase of specified land owned by Indianapolis Art Center which is necessary for the construction of a flood damage reduction project

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Mr. Michael Rogers, Council Liaison for the Department of Public Works (DPW), said state statute requires Council approval when the city is using local funds to acquire parcels on projects. He said the Code requires DPW to seek Council approval on property that is valued more than \$ 25,000. This process does not happen often to request local money for projects, because they try to avoid getting much land acquisition. Occasionally, a project does fall within Council approval. The last time there was a request such as this was in Spring 2007.

Mr. Rogers explained that the Indianapolis Flood Reduction Project, also known as The Levy Project, in Broad Ripple is a segment from Westfield to College. He said they talked extensively with property owners during the design phase and have worked with them to coordinate the impact this will have on their properties. As part of the project, DPW is required to acquire flood easements, as well as permanent easements, for the levy itself. They must also obtain temporary easements for construction purposes during the course of the projects. All properties front 67th Street just east of College, which is the line for the levy. There is some significant impact to these properties. Each proposal, except for Proposal No. 97 is along that stretch on that project. Each one is estimated to be greater than \$ 25,000. If the council approves the project, DPW will

make an offer to the property owner based on an average of two appraisals. Appraisals have been completed. The Council is not approving the dollar amounts, but just the fact that the city has an interest in purchasing the property, and that it is consistent with the Code. The offer to the customer will be no greater than the average of the two appraisals. Many are chomping at the bit to get their offer and get this behind them. Construction in many cases is already underway through rights of entry, because the corp of U.S. Army engineers has a very aggressive schedule. Once they get ready to go, everyone has to be ready to go. The exception in Proposal No. 97, 2008 which is for the Rivera Club, is for the relocation of CS0205. It combines sewer overflow behind the Rivera Club into the White River. This is a sewer project where they are installing a new line and connecting in with the large shift station which is currently exists on the property. Similar to the process with the U.S. Army Corp projects, this requires permanent and temporary sewer easements that will affect a portion of the Rivera Club property. Again, they have met extensively with the Rivera Club on both this and the Levy Project, which will be affecting them eventually, but it is not apart of this acquisition. DPW has had long conversations with the Rivera Club. They are familiar with it, and they are expecting an offer; hopefully, once this Council process is complete. He said he would be happy to answer any questions they may have about the projects, as well as the process.

Councillor Speedy asked if all of these acquisitions are done on a voluntary cooperative basis, or if it is the beginning of imminent domain proceedings, or if it is too early to tell. Mr. Rogers said that basically 99% of the time the Department acquires property voluntarily, even though technically they under the threat of imminent domain. These easements, however, are required. Should they not be able to come to terms, they would proceed as the law requires.

Councillor Speedy asked if the land owners are free to engage in their own appraisals and use that in their discussions with the city. Mr. Rogers said yes, to some extent. He said the law is pretty straightforward as far as what the city is able to offer them as a dollar value, and they can not offer more than the average of the two appraisals. Once those appraisals have been done, they are stuck on a figure. If they found an appraisal that showed things should be different than what their appraisers found, they would be willing to look at that and talk to the two appraisers that DPW hired, and see if they were willing to make changes to that. There is some flexibility in that, of course. If they do end up in some unfortunate situation where they would go need to go to court over the value, they would have a lot of opportunity to present their evidence, as well. Mr. Rogers said the court process includes additional appraisals at the court's request. He said they have three appraisers of their own, as well.

Councillor Speedy asked what type of improvements are on these parcels, and if they are unimproved parking lots or actual structures that need to be removed. Mr. Rogers said to his knowledge there are no structures being affected. In some cases, they are affecting some parking areas, and that would be reflected in appraisal values. He said they will be constructing some flood gates in that area in order to maintain access to the properties in the case of the event that he hopes does not happen, which would be a flood which the levies are meant to protect against.

Councillor Speedy asked the range of values in aggregate where permission was given to proceed. Mr. Rogers said two of them are in the mid \$ 200,000 range, and the rest are under

\$ 100,000. He said he has the figures, but the offers have not been made to the property owners, therefore it is a sensitive situation to provide that information. He said it is public information, but it is still sensitive. Councillor Speedy said that he respects that.

Chair Hunter said he understands that this starts a process of the acquisition of the land, but he wants to know if it is budgeted currently to make the purchase, or if they have to come back to the Council for a fiscal ordinance. Mr. Rogers said these were already anticipated as costs of the project. In fact, the costs that they expend as the city can be used as credits towards their match of the 25% under the project cooperation agreement with the corp. He said in effect, it is like a Federal 80/20, but they can apply this toward their match, and then reduce the costs they would have to contribute out of pocket. They were all budgeted and planned.

Councillor Scales asked the size of parcels for each property and the environmental impact on some of the properties. She asked if they would be losing mature trees. Mr. Rogers said trees and levies do not cooperate very well together, but in this case, the portion that they are talking about is almost entirely sheet piling. It is not a mound levy; it is going to be metal sheet piling that is driven with a cap on it, similar to what is seen through construction portions along Westfield Boulevard already towards Kessler and College. Mr. Rogers said there will be some removal of trees, but not a lot. He said trees will be affected, but they are not specifically reflected in the appraisal. Mr. Rogers said there would have also already been conversations with the property owners about the impact as part of the process. He said the parcel sizes are a little hard to aggregate. The first one, the Optimist Club includes parcels for .029, .429, .038, .02, and .21 acres. He said the sizes are mentioned in the legal descriptions that were included as part of the resolutions. It is not a substantial amount of property on that one, but he would have to total up all the parcels. Mr. Rogers said the reason they are separated out is because they are for different parts of the easement and it is the nature of how they are described, but none of them are massive pieces of property. They are strips across the frontage of the back of the property.

Councillor Moriarty Adams asked Mr. Rogers if each proposal helps 1,400 properties, or if all four help 1,400 properties total. Mr. Rogers said the project itself is expected to assist 1,400 properties out of the flood plain. Councillor Moriarty Adams asked if they are all homes. Mr. Rogers said they are homes and businesses.

Councillor Speedy asked whose responsibility it will be to get the parcels removed from the flood plain, and this is what they are accomplishing by doing this. Mr. Rogers said yes to a certain extent. In his experience, once the entire project is complete they would apply to FEMA for a letter of map revision, which would change the boundaries. Then the owners would be relieved of the burden of flood insurance. Councillor Speedy asked if they will get a notice when they are relieved of the burden. He said he has heard of changes being made to the flood plain, but the owner continues to pay flood insurance even though they are not a part of the flood plain. Mr. Rogers said he does not have the answer to that question. He knows they are working on a project in Cottage Home right now that will have a similar effect, and they are working pretty heavily with the Neighborhood Association. They are keeping on DPW to find out when that will happen.

Councillor Speedy asked if Donna Price is still the Flood Plain Administrator. Mr. Rogers answered in the affirmative. Councillor Speedy asked if she would be the point of contact to find out the status with respect to this project. Mr. Rogers said once the project is complete, she would be a good contact person. He also said throughout the project, he is sure there will be some level of outreach as they have done throughout the project. He said they have communicated with the people that have been impacted, and he would expect that to continue. Councillor Moriarty Adams asked how long it will be before everything takes effect. Mr. Rogers said he does not know the specifics, because there are other phases and he does not know the anticipated length of those phases. They are working through that and it will depend on federal appropriations for the remaining phases. He said his understanding of the project is that they get appropriations for projects annually, and if the projects get funded, they can go ahead and bid and move forward on the next phase. They are still in the design phase of the lower portions by Butler and that area. He said they are still some time away from construction on that phase. The portions that will directly impact residents are those like the construction project which is going on right now in Broad Ripple. Mr. Rogers said he did not know the length of the project.

Councillor Moriarty Adams asked if it would be December 31, 2010. Mr. Rogers said he is not sure, but 2010-2011 would not be out of range. He said two or three more years would probably be more reasonable.

Chair Hunter asked for consent to vote on Proposal Nos. 95-99, 2008 together. Consent was given.

Councillor Moriarty Adams moved, seconded by Councillor Scales, to send Proposal Nos. 95-99, 2008 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 8-0.

PROPOSAL NO. 94, 2008 - appoints Dennis Rosebrough to the Board of Public Works

Chair Hunter asked for a brief history and why Mr. Rosebrough would like to serve. Mr. Rosebrough said he began life after college in the Department of Public Works, in a public information capacity. He said he enjoyed the opportunity, and got involved in some projects early on with wastewater treatment and some other projects. He said the opportunity arose to be considered for the board of Public Works, and he thought that going on the basis of foundational knowledge, operating and talking in that world, and getting the opportunity to guide Public Works in an expanded role would be exciting. In his previous employment, transportation was not a part of Public Works. He said this is a new area for him, and he is very interested, and looks forward to the decision-making process as far as the board of Public Works. He said he looks forward to working on the many projects that could benefit the citizens of Indianapolis. He said he was born and raised in Indianapolis, and has a great affinity for the community and the opportunity to participate in local government in this way. Mr. Rosebrough said he is grateful for the opportunity to do that.

Councillor Moriarty Adams said she would like to speak in favor of Mr. Rosebrough's appointment to the board. She said she has known him for a long time, and he is such a conscientious, honest person. She called it an absolute pleasure to work with him for a number

of years, and she has most recently known him with his former employer as a member of the board of Trustees at the National Multiple Sclerosis Society. She said he served on the committee very well for the length of time she was there, and she highly recommends him for the position.

Chair Hunter said it is not often they find someone like him as well known in Indianapolis with his background willing to serve. He echoed what Councillor Moriarty Adams said and added that he is delighted to see him willing to serve in that role.

Councillor McHenry asked to be listed as a co-sponsor on this proposal. Councillor McHenry moved, seconded by Councillor Speedy, to send Proposal No. 94, 2008 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 8-0.

With no further business pending, and upon motion duly made, the Public Works Committee of the City-County Council was adjourned at 6:29 p.m.

Respectfully submitted,

Benjamin Hunter, Chair
Public Works Committee

BH/cj

